

**APPLICANTS:****Sina Ighani and Sharighih Ighani****REQUEST: A variance pursuant to permit a garage to be located within the required 80 foot rear yard setback in the Agricultural District****HEARING DATE: October 18, 2006****BEFORE THE****ZONING HEARING EXAMINER****FOR HARFORD COUNTY****BOARD OF APPEALS****Case No. 5562****ZONING HEARING EXAMINER'S DECISION****APPLICANT:** Sina Ighani**CO-APPLICANT:** Sharighih Ighani**LOCATION:** 2537 Sinsko Lane – Lands of E. Sinsko, Joppa  
Tax Map: 60 / Grid: 4E / Parcel: 0339 / Lot: 1  
First (1st) Election District**ZONING:** AG / Agricultural**REQUEST:** A variance, pursuant to Section 267-34C, Table II, of the Harford County Code, to permit a garage to be located within the required 80 foot rear yard setback (77 foot setback proposed), in the Agricultural District.**TESTIMONY AND EVIDENCE OF RECORD:**

Sina Ighani identified himself as the owner of that 2.181 acre agriculturally zoned property located at 2537 Sinsko Lane, Joppa, the subject of this application. Mr. Ighani is constructing a new home on the parcel for he and his family. An existing garage is located on the property. Mr. Ighani wishes to connect the existing garage to the home which he is constructing by way of a 6 feet by 32 feet long, enclosed, breeze-way. The breeze-way itself will be constructed of wood and siding similar in appearance to the home which is under construction. The garage will be for storage of personal belongings of the Applicants' family.

The garage, as a freestanding garage, is properly located within an 80 foot setback. This is allowed without a variance. However, at such time as it is connected with the dwelling the garage may not be within the setback without a variance. The garage itself, which is 24 feet by 40 feet in dimensions, cannot be moved. The garage encroaches into the applicable 80 foot setback by approximately 3 feet. Accordingly, Mr. Ighani requests this variance.

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For the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune and the Department believe the lot to be unique. The lot itself is connected by a panhandle drive to Franklinville Road. However, the parcel also has the majority of its frontage, along two sides, on Sinsko Lane. Mr. McClune explained that the lot is very unusual in that the front of the lot is actually the portion of the lot which faces Franklinville Road. Accordingly, the lot line facing Franklinville Road is considered a front yard. However, the two sides of the lot facing and along Sinsko Lane are also considered front yards and accordingly are also impacted by 80 foot front yard setbacks. Accordingly, this lot is actually encumbered by 80 foot front yard setbacks along three of its four sides. Mr. McClune states that these characteristics are very unusual and make this lot unique.

Furthermore, the side of the lot facing Franklinville Road is actually used by the Applicant as a side yard. A side yard setback is normally 40 feet. Accordingly, except for the designation of the lot line facing Franklinville Road as a front yard setback, the Applicant would not need a variance to connect the garage to the home. Furthermore, Mr. McClune explained that as the garage will remain at least 100 feet away from the adjoining house he sees no adverse impact upon that neighbor or on the neighborhood.

There was no testimony or evidence presented in opposition.

### **APPLICABLE LAW:**

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

*“Variances.*

*A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:*

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

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- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The subject property is a highly unusual 2.181 acre parcel. While it is connected to Franklinville Road by a panhandle, it nevertheless has an extensive amount of road frontage, along two of its sides, on Sinsko Lane. Because of this unusual configuration three of its four sides are designated front yards. A required front yard setback is 80 feet. A required side yard setback is 40 feet.

The Applicants, therefore, must deal with three 80 foot front yard setbacks. Unfortunately for them, an existing structure which they wish to connect to the residence now under construction lies about 3 feet into the Franklinville Road front yard setback. That side, according to Mr. McClune, functions, in reality, as a side yard of the house.

The only option for the Applicants would be to actually dismantle and move the garage. Mr. Ighani testified this would not be feasible and, in any event, would be an expensive and unnecessary undertaking.

There was no testimony in opposition and the Staff finds no adverse impact on the neighborhood.

Accordingly, it is found that the subject property exhibits unusual features, being three front yard setbacks, which cause the Applicants practical difficulty. That difficulty is the inability to attach, by way of a breeze-way, an existing garage to the Applicants' residence. The relief requested is the minimum necessary to alleviate this practical difficulty, and the granting of the variance would have no adverse impact on any adjoining property or neighbor.

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**CONCLUSION:**

It is, accordingly, recommended that the requested variance be granted, subject to the Applicants obtaining all necessary permits and inspections for the breeze-way.

Date: December 6, 2006

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner

**Any appeal of this decision must be received by 5:00 p.m. on JANUARY 5, 2007.**